



Reprinted  
March 6, 2001

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## HOUSE BILL No. 1909

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DIGEST OF HB 1909 (Updated March 5, 2001 4:08 PM - DI 105)

**Citations Affected:** IC 5-2; IC 33-19.

**Synopsis:** Regional law enforcement training fee and funds. Establishes a regional law enforcement training fee and regional law enforcement training fund for each region served by a regional law enforcement training council. Establishes a \$2 fee to be collected in cases in which a person commits a crime or an infraction or violates an ordinance. Provides for the fee to be distributed to the council serving the region. Requires councils to use regional law enforcement training funds solely for training of law enforcement officers who work for an agency or department that is within the geographic region of the councils. Provides training funds for counties that are not covered by a regional law enforcement training council. Requires counties not covered by a regional law enforcement training council to submit an application for training funds to the Indiana criminal justice institute.

**Effective:** July 1, 2001.

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### Stevenson, Whetstone

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January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.  
February 20, 2001, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.  
February 26, 2001, reported — Do Pass.  
March 5, 2001, read second time, amended, ordered engrossed.

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Reprinted  
March 6, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1909

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-13-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2001]: Sec. 4. The law enforcement assistance  
3 fund is established to provide money to agencies to increase the  
4 number of officers on patrol in the community **and to provide training**  
5 **to law enforcement officers in areas not covered by law**  
6 **enforcement training councils as set forth in IC 5-2-14.** The fund  
7 consists of the following:

- 8           (1) Appropriations made by the general assembly.  
9           (2) Any other public or private source.  
10          **(3) Funds deposited in supplemental training accounts under**  
11          **IC 33-19-8-9.**

12       SECTION 2. IC 5-2-13-4.5 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2001]: **Sec. 4.5. (a) There are established, within the law**  
15 **enforcement assistance fund, supplemental training accounts. Each**  
16 **town, city, or county that is not within an area served by a regional**  
17 **law enforcement training council shall have funds deposited in a**

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supplemental training account in the manner set forth under IC 33-19-8-9. There shall be one (1) supplemental training account for each county that does not fall within an area served by a regional law enforcement training fund. Each town or city that is located in the county shall have funds deposited in a supplemental training account for that county.

(b) To receive money from a supplemental training account a town, city, or county agency shall submit an application for a grant that:

- (1) indicates it is not within an area covered by a regional law enforcement training council;
- (2) states the type of training that will be conducted;
- (3) states why the training is necessary; and
- (4) indicates the cost of the training.

SECTION 3. IC 5-2-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) An agency may apply to the criminal justice institute to receive grants from the fund under this chapter.

(b) The criminal justice institute shall approve or deny a grant application submitted under this chapter.

(c) An agency may receive a grant:

- (1) in the amount of one hundred thousand dollars (\$100,000) to train, equip, and pay the first three (3) years' salary for one (1) officer; ~~An agency may receive a grant~~
- (2) for an amount of up to one hundred thousand dollars (\$100,000) to purchase equipment or hire and train persons to permit the agency to increase by one (1) the number of officers on patrol in the community; **or**
- (3) for an amount determined by the institute to provide training for officers in a town, city, or county that is not within an area covered by a regional law enforcement training council.

An agency may receive more than one (1) grant under this chapter.

(d) A grant awarded under this chapter must be used to supplement funds available to an agency, and an agency may not use a grant to replace funds that the agency would normally spend for training, personnel, equipment, and other agency expenses.

(e) A grant awarded under subsection (c)(3):

- (1) may be used only for training of officers within that county; and
- (2) may not reduce the amount of a grant that an agency is eligible for under subsection (c)(1) or (c)(2).



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SECTION 4. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

**Chapter 14. Regional Law Enforcement Training Fund**

**Sec. 1.** As used in this chapter, "regional law enforcement training council" means a council formed before January 1, 2001, that:

- (1) consists of representatives from law enforcement agencies;
- (2) serves a specified geographic area in Indiana; and
- (3) provides specialized training described in IC 5-2-1-9 for law enforcement officers and law enforcement agencies in the geographic region.

**Sec. 2.** A regional law enforcement training fee may be collected under IC 33-19-6-18.

**Sec. 3.** A regional law enforcement training fund is established for each regional law enforcement training council to assist in training law enforcement officers in the geographic region served by the regional law enforcement training council. The fund consists of amounts collected from the regional law enforcement training fee under IC 33-19-6-18 in a city, town, or county that is within the geographic boundaries of the regional law enforcement training council.

**Sec. 4.** Each regional law enforcement training council shall submit monthly claims, under oath, to:

- (1) the fiscal officer of a city or town that falls within the geographic boundaries of the regional law enforcement training council; and
  - (2) the auditor of a county that falls within the geographic boundaries of the regional law enforcement training council;
- for the amount deposited in user funds under IC 33-19-8.

**Sec. 5.** Appropriations from a regional law enforcement training fund by a regional law enforcement training council may only be used for training law enforcement officers who work in an agency or department whose jurisdiction falls within the geographic boundaries of a regional law enforcement training council.

**Sec. 6.** A regional law enforcement training council shall administer the regional law enforcement training fund. The cost of administering a fund shall be paid from money in the fund.

SECTION 5. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant



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1 a criminal costs fee of one hundred twenty dollars (\$120).

2 (b) In addition to the criminal costs fee collected under this section,  
3 the clerk shall collect from the defendant the following fees if they are  
4 required under IC 33-19-6:

- 5 (1) A document fee.
- 6 (2) A marijuana eradication program fee.
- 7 (3) An alcohol and drug services program user fee.
- 8 (4) A law enforcement continuing education program fee.
- 9 (5) A drug abuse, prosecution, interdiction, and correction fee.
- 10 (6) An alcohol and drug countermeasures fee.
- 11 (7) A child abuse prevention fee.
- 12 (8) A domestic violence prevention and treatment fee.
- 13 (9) A highway work zone fee.
- 14 (10) A deferred prosecution fee (IC 33-19-6-16.2).

15 **(11) A regional law enforcement training fee.**

16 (c) Instead of the criminal costs fee prescribed by this section, the  
17 clerk shall collect a pretrial diversion program fee if an agreement  
18 between the prosecuting attorney and the accused person entered into  
19 under IC 33-14-1-7 requires payment of those fees by the accused  
20 person. The pretrial diversion program fee is:

- 21 (1) an initial user's fee of fifty dollars (\$50); and
- 22 (2) a monthly user's fee of ten dollars (\$10) for each month that  
23 the person remains in the pretrial diversion program.

24 (d) The clerk shall transfer to the county auditor or city or town  
25 fiscal officer the following fees, within thirty (30) days after they are  
26 collected, for deposit by the auditor or fiscal officer in the appropriate  
27 user fee fund established under IC 33-19-8:

- 28 (1) The pretrial diversion fee.
- 29 (2) The marijuana eradication program fee.
- 30 (3) The alcohol and drug services program user fee.
- 31 (4) The law enforcement continuing education program fee.

32 **(5) The regional law enforcement training fee.**

33 (e) Unless otherwise directed by a court, if a clerk collects only part  
34 of a criminal costs fee from a defendant under this section, the clerk  
35 shall distribute the partial payment of the criminal costs fee as follows:

- 36 (1) First, the clerk shall apply the partial payment to general court  
37 costs.
- 38 (2) Second, if there is money remaining after the partial payment  
39 is applied to general court costs under subdivision (1), the clerk  
40 shall distribute the partial payment for deposit in the appropriate  
41 county user fee fund.
- 42 (3) Third, if there is money remaining after distribution under

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subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 6. IC 33-19-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) An alcohol and drug services program user fee.

(3) A law enforcement continuing education program fee.

(4) An alcohol and drug countermeasures fee.

(5) A highway work zone fee.

(6) A deferred prosecution fee (IC 33-19-6-16.2).

**(7) A regional law enforcement training fee.**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

**(4) The regional law enforcement training fee.**

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and

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(4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 7. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This section applies to criminal, infraction, and ordinance violation actions.**

**(b) In an action in which a person is found to have:**

**(1) committed a crime;**

**(2) violated a statute defining an infraction; or**

**(3) violated an ordinance;**

**the clerk shall collect a regional law enforcement training fee of two dollars (\$2) as authorized under IC 5-2-13-2. The clerk of a city or town court shall transfer a fee collected under this section to the fiscal officer of the city or town for deposit in the city or town user fee fund established by IC 33-19-8-3. The clerk of a circuit, superior, or county court shall transfer a fee collected under this section to the county auditor for deposit in the county user fee fund established by IC 33-19-8-5.**

SECTION 8. IC 33-19-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund shall be administered by the fiscal officer of the city or town.**

**(b) The city or town fund consists of the following fees collected by a clerk under this article:**

**(1) The pretrial diversion program fee.**

**(2) The alcohol and drug services fee.**

**(3) The law enforcement continuing education program fee.**

**(4) The deferral program fee.**

**(5) The regional law enforcement training fee.**

SECTION 9. IC 33-19-8-5 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A county user fee  
 2 fund is established in each county for the purpose of financing various  
 3 program services. The county fund shall be administered by the county  
 4 auditor.

5 (b) The county fund consists of the following fees collected by a  
 6 clerk under this article, and by the probation department for the  
 7 juvenile court under IC 31-34-8-8 or IC 31-37-9-9:

- 8 (1) The pretrial diversion program fee.
- 9 (2) The informal adjustment program fee.
- 10 (3) The marijuana eradication program fee.
- 11 (4) The alcohol and drug services program fee.
- 12 (5) The law enforcement continuing education program fee.
- 13 (6) The deferral program fee.
- 14 (7) The jury fee.

15 **(8) The regional law enforcement training fee.**

16 (c) All of the jury fee and two dollars (\$2) of every deferral program  
 17 fee collected under IC 33-19-5-2(e) shall be deposited by the county  
 18 auditor in the jury pay fund under IC 33-19-10.

19 SECTION 10. IC 33-19-8-9 IS ADDED TO THE INDIANA CODE  
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 21 1, 2001]: Sec. 9. (a) **This section applies to regional law enforcement**  
 22 **fees collected under IC 33-19-6-18.**

23 (b) **This subsection applies only to a town, city, or county that is**  
 24 **within an area served by a regional law enforcement training**  
 25 **council. Upon receipt of monthly claims from regional law**  
 26 **enforcement training councils, the auditor of a county or fiscal**  
 27 **officer of a city or town, shall distribute the regional law**  
 28 **enforcement training fees deposited in city or town user fee funds**  
 29 **or county user fee funds to the appropriate regional law**  
 30 **enforcement training fund.**

31 (c) **This subsection applies to a town, city, or county that does**  
 32 **not fall within an area served by a regional law enforcement**  
 33 **training council. The county auditor or fiscal officer of a city or**  
 34 **town shall distribute the regional law enforcement training fees**  
 35 **deposited in city or town user fee fund or county user fee fund to**  
 36 **the supplemental training account for the county as established**  
 37 **under IC 5-2-13-4.5.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1909, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1909, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 20, nays 5.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1909 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The law enforcement assistance fund is established to provide money to agencies to increase the number of officers on patrol in the community **and to provide training to law enforcement officers in areas not covered by law enforcement training councils as set forth in IC 5-2-14.** The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Any other public or private source.

**(3) Funds deposited in supplemental training accounts under IC 33-19-8-9.**

SECTION 2. IC 5-2-13-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a) There are established, within the law enforcement assistance fund, supplemental training accounts. Each town, city, or county that is not within an area served by a regional law enforcement training council shall have funds deposited in a supplemental training account in the manner set forth under IC 33-19-8-9. There shall be one (1) supplemental training account for each county that does not fall within an area served by a regional law enforcement training fund. Each town or city that is located in the county shall have funds deposited in a supplemental training account for that county.**

**(b) To receive money from a supplemental training account a town, city, or county agency shall submit an application for a grant that:**

- (1) indicates it is not within an area covered by a regional law enforcement training council;**
- (2) states the type of training that will be conducted;**
- (3) states why the training is necessary; and**
- (4) indicates the cost of the training.**

SECTION 3. IC 5-2-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) An agency may apply to the criminal justice institute to receive grants from the fund under this chapter.

(b) The criminal justice institute shall approve or deny a grant application submitted under this chapter.

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- (c) An agency may receive a grant:
- (1) in the amount of one hundred thousand dollars (\$100,000) to train, equip, and pay the first three (3) years' salary for one (1) officer; ~~An agency may receive a grant~~
  - (2) for an amount of up to one hundred thousand dollars (\$100,000) to purchase equipment or hire and train persons to permit the agency to increase by one (1) the number of officers on patrol in the community; **or**
  - (3) **for an amount determined by the institute to provide training for officers in a town, city, or county that is not within an area covered by a regional law enforcement training council.**

An agency may receive more than one (1) grant under this chapter.

(d) A grant awarded under this chapter must be used to supplement funds available to an agency, and an agency may not use a grant to replace funds that the agency would normally spend for training, personnel, equipment, and other agency expenses.

**(e) A grant awarded under subsection (c)(3):**

- (1) may be used only for training of officers within that county; and**
- (2) may not reduce the amount of a grant that an agency is eligible for under subsection (c)(1) or (c)(2)."**

Page 1, line 13, delete "regional law enforcement training council must be".

Page 1, delete line 14.

Page 1, line 15, delete "(1) a".

Page 1, run in lines 13 through 15.

Page 1, line 16, delete "; and" and insert ".".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 7, delete "wholly or".

Page 2, line 8, delete "predominantly".

Page 2, line 12, delete "wholly or".

Page 2, line 13, delete "predominantly".

Page 2, line 15, delete "wholly or predominantly".

Page 2, line 22, delete "wholly or predominantly".

Page 5, line 11, delete "if the clerk is" and insert "as".

Page 5, line 11, delete "to do so".

Page 5, line 12, delete "IC 5-2-14-2(1)" and insert "IC 5-2-13-2".

Page 6, line 12, after "(b)" insert "**This subsection applies only to a town, city, or county that is within an area served by a regional law enforcement training council.**".

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Page 6, after line 17, begin a new paragraph and insert:

**"(c) This subsection applies to a town, city, or county that does not fall within an area served by a regional law enforcement training council. The county auditor or fiscal officer of a city or town shall distribute the regional law enforcement training fees deposited in city or town user fee fund or county user fee fund to the supplemental training account for the county as established under IC 5-2-13-4.5."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1909 as printed February 27, 2001.)

STEVENSON

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